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**REMARKS**

2. The Office Action states that a "complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01."

Applicant has therefore cancelled Claims 22-25.

**35 U.S.C. § 103. Claim Rejections.**

4. Claims 1-3, 5-6, 8, 11-13, 15, 17-19, 26-27, and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik (U.S. Publication No. 2002/0075302) and Glance et al ("Glance", USP 6,415,368).

- The Office Action concedes that "Simchik differs from the claim in that Simchik does not specifically teach hierarchically storing said ranked digital [assets] in a memory so that highly ranked digital assets are more easily to accessed from said memory than lower ranked digital assets."

- However, the Office Action then states that "such feature is known in the art as taught by Glance. Glance teaches a caching method for hierarchically storing said ranked digital assets in a memory so that highly ranked digital assets are more easily accessed from said memory than lower ranked digital assets (col 2, lines 27-39). It would have been obvious to one of ordinary skill in the art, having the teaching of Simchik and Glance before him at the time the invention was made, to modify the method of managing digital assets taught by Simchik to include hierarchically storing said ranked digital assets in a memory taught by Glance with the motivation being to improve performance and network traffic (Glance, col 2 line 19-26)."

- Applicant disagrees that Claims 1-3, 5-6, 8, 11-13, 15, 17-19, 26-27, and 29 are unpatentable over Simchik (U.S. Publication No. 2002/0075302) in view of Glance et al ("Glance", USP 6,415,368).

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Hilton Davis / Festo Statement

Applicant has amended Claims 1, 12 and 26, for convenience in prosecution, and reserves the right to present the same or similar claims in a related  
5 Application. The amendments herein were not made for any reason related to patentability.

Independent Claim 1 has been amended, to claim a method for managing digital file assets, comprising the steps of:

- 10 monitoring access to said digital assets by a user;  
Identifying one or more types of use of said accessed digital assets by said user associated with said monitored access, wherein said types of use comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;
- 15 assigning a score based on each identified type of use by said user associated with said monitored access;  
ranking said accessed digital file assets based on accumulation of said assigned scores of said digital assets; and  
hierarchically storing said ranked digital assets in a memory based on said  
20 ranking step, wherein highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

Support is seen in the Application as filed, at least on page 2, line 24 to page 3, line 12; on page 3, line 20 to page 4, line 4; on page 4, lines 14-18; on page 5,  
25 line 21 to page 8, line 10; on page 8, lines 13-17; on page 10, line 11 to page 13, line 4; and in Figures 1-6.

Independent Claim 12 has also been amended, to claim a system for managing a plurality of digital assets, comprising:

- 30 a memory for storing a plurality of digital assets;  
a processor in communication with said memory for manipulating said plurality of digital assets;

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means for monitoring access to said digital assets by a user;

means for identifying one or more types of manipulation of said accessed digital assets by a user associated with said monitored access, wherein said types of manipulation comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;

means for assigning a score based on each identified type of manipulation by said user associated with said monitored access;

a ranking module in communication with said score assignment means to rank said digital assets based on accumulation of said assigned scores; and

means for hierarchically storing said ranked digital assets in said memory based on said rank of said digital assets, whereby higher ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

Support is seen in the Application as filed, at least on page 2, line 24 to page 3, line 12; on page 3, line 20 to page 4, line 4; on page 4, lines 14-18; on page 5, line 21 to page 8, line 10; on page 8, lines 13-17; on page 9, lines 3-6; on page 10, line 11 to page 13, line 4; and in Figures 1-6.

Independent Claim 26 has been amended, to claim a method for managing a list of URL's that is automatically responsive to a user's Web navigation history, comprising the steps of:

creating a Web navigation history that records any of Web sites visited by said user, URL's activated by said user, URL's shared by said user, and URL's transported by said user;

identifying types of use by said user associated with said navigation history, wherein said types of use comprise any of visitation, activation, sharing, and transporting;

assigning scores corresponding to each identified type of use by said user of said URL's in said Web navigation history based on use of said URL's;

ranking said URLs based on accumulation of said assigned scores; and

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hierarchically storing said URL's in a memory based on said scores, wherein URL's having higher scores are more easily accessed from said memory by the same said user than URL's having lower scores.

- 5 Support is seen in the Application as filed, at least on page 6, line 15 to page 9, line 19; on page 13, line 5 to page 15, line 6; on page 15, line 19 to page 16, line 15; and in Figures 1-3, 6, and 7.

- 10 Applicant submits that Claims 1, 12, and 26, as amended, are significantly different than Simchik and/or Glance et al.

Applicant submits that Simchik describes a method of displaying hypertext based on a prominence ranking, as seen at least in the Abstract, wherein the method includes:

- 15 "tracking a hypertext access to a document and assigning a prominence rating to the hypertext based on the tracking, wherein the prominence rating is based on frequency of access by a user, and on recency of access by the user. A visual cue of the hypertext is changed on a display according to the prominence rating. An apparatus for displaying hypertext  
20 is also disclosed."

- Further details of visual cues and hypertext as described by Simchik are seen at least in [0007]-[0011]; in [0012]-[0013]; in [0028]; in [0032]-[0033]; in [0036]-[0037]; and in Figs. 3-6 and 8.

- 25 As noted above, the Office Action concedes that "Simchik differs from the claim[s] in that Simchik does not specifically teach hierarchically storing said ranked digital [assets] in a memory so that highly ranked digital assets are more easily to accessed from said memory than lower ranked digital assets."

- 30 Glance et al. describe a system and method for caching, as seen at least in the Abstract, wherein:

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5 "A system and method of caching uses quality or value attributes, provided for example, by a recommender system or by a dynamical analysis of site accesses, which are attached to cached information to prioritize items in the cache. Documents are prioritized in the cache according to the relative value of their content. Value data may be provided from a recommender system which provides a value for a document according to user recommendations (using explicit recommendations) or from statistical analysis of site visits from unique users (implicit recommendations) or a combination of the two to identify the higher value documents. The caching method may also be used to improve performance of a recommender system."

15 Applicant respectfully submits that Glance describes a relative value which is based on usage by multiple users, and clearly teaches away from assigning increased value based on use from "the same user." In Glance, documents are prioritized within a cache based on "democratic caching" (as seen at least in col. 2, lines 50-58; in col. 5, lines 38-42; in col. 6, line 43 to col. 8, line 41; and in col. 5, lines 43-54) which inherently teaches away from providing hierarchical storage of assets based on usage by a user and for the same user.

20 As well, Glance lacks any suggestion to assign increased value based on extended usage or manipulation by a user, and also lacks the motivation to provide such a system.

25 Basic details regarding caching is described in Glance et al., at least in col. 1, lines 8-16 and 31-44. Details regarding prioritization of documents in a cache based on "relative value" are seen in Glance et al., at least in col. 2, lines 27-39, wherein:

30 "The system and method of the invention recognizes that, everything else being equal, higher value documents are likely to be retrieved more often. Current caching algorithms do not take into account the actual perceived utility, or value, of the document contents being cached. The invention prioritizes documents in the cache according to the relative value of their content. In one embodiment, the system of the invention employs a recommender system (or collaborative filtering system) which provides a

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value for a document according to user recommendations. With respect to the Web, the system of the invention includes methods for determining the value for individual Web pages as well as for individual Web sites."

- 5 Details regarding implicit recommendations and/or explicit recommendations are seen in Glance et al., at least in col. 2, lines 40-58. Further details are seen in Glance et al., at least in col. 3, lines 42-45, wherein:

10 "The first method statistically analyzes the number of unique visitors per Web site. Those Web sites with the highest number of unique visitors are accorded the highest value."

Applicant respectfully submits that, while Glance et al. analyzes visitation to a web site, Glance et al. tracks the number of "unique" visitors per Web site, whereby Web sites with the highest number of "unique" visitors are accorded the highest value. Glance et al. therefore clearly teaches "democratic caching", and thus inherently teaches away from an identification of each identified use or manipulation of assets by a user, to provide hierarchical storage in a memory of assets for the same user, wherein assets are ranked based on accumulation of assigned scores.

Details regarding a second method in which tracks explicit recommendation is seen in Glance et al., at least in col. 3, lines 59-65; in FIGS. 1-3; and in col. 4, line 64 to col. 5, line 13:

25 "Computer 12 may communicate with value module 14 or recommender system 16 either directly (shown by dotted lines 23 and 29, respectively) or indirectly through the internet 30 (shown by solid lines 21, 25 and 27). Value module 14 may provide statistical information such as the number of unique user visits to a particular web site or web page.

Recommender system 16 may provide user ratings or value in any one or more of the following: a star rating pertaining to the document's (URL's) content, an action due on the document, an expiration date of the information contained in the document, an expert opinion or rating about

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the document (web page or web site) or a rating from an independent organization. Recommendations usually consist of numerical ratings input manually by users, but they can also be deduced from user behavior (e.g., time spent reading a document, actions such as printing, saving or deleting a document). The premise of such systems is that a user is going to prefer an item that is similar to other items chosen by the user and by other users."

Applicant respectfully notes that Glance et al. provides statistical information such as the number of unique user visits to a particular web site or web page, which clearly teaches away from assigning increased value from higher access from "the same user."

Further details regarding "democratic caching" are seen in Glance et al., at least in col. 5, lines 38-42; in col. 6, line 43 to col. 8, line 41; and in col. 5, lines 43-54, wherein:

"In the system of FIG. 1, consider the system 10 in which an implicit value module 14 works in conjunction with a proxy server 12. Module 14 analyzes the log of client (user 40) accesses to Internet 30 web sites. First, it extracts the number of unique visitors to a site by removing multiple visits by the same user. Then it associates a percentile rating with each site. For example, a site with a percentile rating of 75% has as many or more unique visitors than 75% of the sites accessed through the proxy. This percentile ranking is returned by the module 14 as a measure of the value of a site and/or any URL associated with the site. (Proxy server 12 stores URL addresses in cache 24 according to this percentile ranking.)"

Applicant therefore submits that Glance clearly describes value based on usage by multiple users, and clearly teaches away from assigning increased value from accumulated use or manipulation from "the same user." Therefore, Glance clearly lacks the suggestion to assign increased value based on extended usage or manipulation by a user, and also lacks the motivation to provide such a system.

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Further details in regard to explicit recommendations in Glance et al. are seen at least in col. 6, lines 11-12, wherein:

5           "Recommender system 50 also includes value prediction 58, which  
          **predicts the value of the URL for a generic user.**"

10           Therefore, both implicit and explicit methods described by Glance et al. are associated with prediction of values based on democratic caching, and lack any suggestion to assign increased value based on extended usage or manipulation by a user.

15           Applicant respectfully submits that Glance describes a relative value which is based on usage by multiple users, and clearly teaches away from assigning increased value from higher access from "the same user." As well, documents are prioritized with a cache based on "democratic caching", which inherently teaches away from providing hierarchical storage of assets based on usage by a user and for the same user.

20           In stark contrast to Glance et al., as seen in Claims 1, 12 and 26, as amended, ranking is based on an accumulation of assigned scores from identified types of usage by a user, and the hierarchically storage of digital assets is based on this ranking,

25           In regard to Claim 1, as amended, Simchik and/or Glance et al. fail to describe a method which, *inter alia*, comprises the steps of:

30                 monitoring access to said digital assets by a user;  
                  identifying one or more types of use of said accessed digital assets by said user associated with said monitored access, wherein said types of use comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;  
                  assigning a score based on each identified type of use by said user associated with said monitored access;  
                  ranking said accessed digital file assets based on accumulation of said assigned scores of said digital assets; and



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hierarchically storing said ranked digital assets in a memory based on said ranking step, wherein highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

- 5 In regard to Claim 12, as amended, Simchik and/or Glance et al. fail to describe a system for managing a plurality of digital assets, comprising:
- a memory for storing a plurality of digital assets;
  - a processor in communication with said memory for manipulating said plurality of digital assets;
  - 10 means for monitoring access to said digital assets by a user;
  - means for identifying one or more types of manipulation of said accessed digital assets by a user associated with said monitored access, wherein said types of manipulation comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;
  - 15 means for assigning a score based on each identified type of manipulation by said user associated with said monitored access;
  - a ranking module in communication with said score assignment means to rank said digital assets based on accumulation of said assigned scores; and
  - means for hierarchically storing said ranked digital assets in said memory
  - 20 based on said rank of said digital assets, whereby higher ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

- As well, In regard to Claim 26, as amended, Simchik and/or Glance et al. fail to
- 25 describe a method for managing a list of URL's that is automatically responsive to a user's Web navigation history, comprising the steps of:

- creating a Web navigation history that records any of Web sites visited by said user, URL's activated by said user, URL's shared by said user, and URL's transported by said user;
- 30 identifying types of use by said user associated with said navigation history, wherein said types of use comprise any of visitation, activation, sharing, and transporting;
- assigning scores corresponding to each identified type of use by said user of said URL's in said Web navigation history based on use of said URL's;
- 35 ranking said URLs based on accumulation of said assigned scores; and

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hierarchically storing said URL's in a memory based on said scores, wherein URL's having higher scores are more easily accessed from said memory by the same said user than URL's having lower scores.

- 5 As well, Applicant submits that there is no suggestion, express or implied, that Simchik and/or Glance be modified to meet Claims 1, 12 and 26, as amended. In addition, as Glance et al. inherently teaches away from providing hierarchical storage of assets based on usage by a user and for the same user, there is no motivation in Simchik and/or Glance et al. to provide such a system or method.
- 10 Applicant therefore submits that neither Simchik nor Glance et al. teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the
- 15 Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).
- 20 Applicant therefore submits that independent Claim 1, 12, and 26, as amended, overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik (U.S. Application Publication No. 2002/0075302) and Glance et al. (U.S. Patent No. 6,415,368).
- 25 As dependent claims 2-11 depend from amended independent Claim 1, as dependent claims 13-21 depend from amended independent Claim 12, and as dependent claims 27-31 depend from amended independent Claim 26, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.
- 30 5-6. Claims 4, 10, 16, 20, and 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik, Glance and Bates et al. (U.S. Patent No. 6,088,707).

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Regarding Claims 4, 10, 16, and 20, the Office Action states that "Simchik teaches assigning scores to each of said digital assets based on said use of said digital assets ([0030]), and re-ranking said digital assets based on the score ([0033])".

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The Office Action concedes that "Simchik differs from the claim in that Simchik does not teach re-ranking said digital assets only if a score of a first digital asset exceeds a score of a second previously higher ranked digital asset by a pre-determined threshold".

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Bates describes a method of displaying an update status of linked hypertext documents, as seen at least in the Abstract, wherein:

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"A computer system and method of displaying hypertext documents indicate an update status for a particular hypertext document in association with the display of a hypertext link definition pointing to that document. In addition, one or more specific notification criteria are utilized to determine when a document has been updated. A notification criteria may be based upon a user selection of a selected portion of a document, such that changes to another portion of the document do not trigger an indication of an updated document. A notification criteria may also be based on a specific keyword search criteria selected by a user. A notification criteria may further be based on a relative change threshold for a document, such that changes to a document falling below the threshold are not indicated to a user. In addition, a notification criteria function may be based upon updates made by a particular author of a document, such that specific authors may either trigger or not trigger notification of an updated document."

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Details regarding monitoring the update status of documents is seen in Bates et al., at least in col. 2, lines 46-56, wherein:

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"The invention addresses additional problems associated with the prior art in providing a computer system and method of monitoring the update status of documents in which one or more specific notification criteria are utilized to provide a flexible and customizable manner of determining

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whether a document contains updated information of interest to a user. With each type of notification criteria, it is possible to minimize the indication of an updated document as a result of inconsequential updates to the document, thereby providing more informative update status information to a user."

Applicant respectfully submits that, while Bates et al. provides monitoring of the update status of documents, there is no suggestion, express or implied, that Bates et al. be modified to provide, *inter alia*:

ranking of accessed digital file assets based on accumulation of assigned scores of said digital assets; and

hierarchically storing said ranked digital assets in a memory based on said ranking step, wherein highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

In regard to Claim 1, as amended, Simchik, Glance et al. and/or Bates fail to describe a method which, *inter alia*, comprises the steps of:

monitoring access to said digital assets by a user;

identifying one or more types of use of said accessed digital assets by said user associated with said monitored access, wherein said types of use comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;

assigning a score based on each identified type of use by said user associated with said monitored access;

ranking said accessed digital file assets based on accumulation of said assigned scores of said digital assets; and

hierarchically storing said ranked digital assets in a memory based on said ranking step, wherein highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

In regard to Claim 12, as amended, Simchik, Glance et al. and/or Bates fail to describe a system for managing a plurality of digital assets, comprising:

a memory for storing a plurality of digital assets;

a processor in communication with said memory for manipulating said plurality of digital assets;

means for monitoring access to said digital assets by a user;

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means for identifying one or more types of manipulation of said accessed digital assets by a user associated with said monitored access, wherein said types of manipulation comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;

5 means for assigning a score based on each identified type of manipulation by said user associated with said monitored access;

a ranking module in communication with said score assignment means to rank said digital assets based on accumulation of said assigned scores; and

10 means for hierarchically storing said ranked digital assets in said memory based on said rank of said digital assets, whereby higher ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

15 Regarding Claim 30, the Office Action states that "Simchik teaches updating said Web navigation history to record Web sites visits made by said user assigning scores to each of said URL's in said updated Web navigation history based on said user's use of said URL's ([0030])".

20 Regarding Claim 31, the Office Action states that "Bates teaches allowing a user to define said predetermined threshold (col 7, lines 65-67)".

The Office Action concedes that "Simchik does not teach updating said access hierarchy if a score assigned to a first URL exceeds a score assigned to a second previously higher ranked URL by a predetermined threshold".

25 In regard to Claim 26, as amended, Simchik, Glance and Bates et al. fail to describe a method which, *inter alia*, hierarchically stores URL's in a memory based on assigned scores of the use of each of the URL's in a Web navigation history by a user, wherein URL's having higher scores are more easily accessed from said memory by the same user than URL's having lower scores.

30 Applicant respectfully submits that, while Bates et al. provides monitoring of the update status of documents, there is no suggestion, express or implied, that Bates et al. be modified to provide ranking of URLs and hierarchical storage in a memory, based upon on usage by a user of URLs and associated with a navigation history.

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As well, there is no suggestion, express or implied that Simchik, Glance et al. and/or Bates et al. be modified to meet Claim 26, as amended. It would therefore take further modification and undue experimentation, to meet Claim 26,  
5 as amended.

Applicant therefore submits that independent Claim 1, 12, and 26, as amended, overcome the rejections under 35 U.S.C. §103(a) as being unpatentable over Simchik, Glance et al. and Bates et al. As claims 2-11 depend from amended  
10 independent Claim 1, as claims 13-21 depend from amended independent Claim 12, and as claims 27-31 depend from amended independent Claim 26, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

15 7. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik, Glance et al. and Ferman et al. (U.S. Publication No. 2004/0073918).

The Office Action concedes that Simchik "does not teach monitoring audio files".

20 Ferman describes an automatic user profiling system, as seen at least in the Abstract, wherein a user profile may be updated, based on fuzzy logic operators.

In regard to Claim 1, as amended, Simchik, Glance et al. and/or Ferman et al. fail to describe a method which, *inter alia*, comprises the steps of:

- 25 monitoring access to said digital assets by a user;  
identifying one or more types of use of said accessed digital assets by said user associated with said monitored access, wherein said types of use comprise any of passive playback, passive viewing, activation, sharing, transporting, and editing;  
30 assigning a score based on each identified type of use by said user associated with said monitored access;  
ranking said accessed digital file assets based on accumulation of said assigned scores of said digital assets; and  
hierarchically storing said ranked digital assets in a memory based on said  
35 ranking step, wherein highly ranked digital assets are more easily accessed from said memory by the same said user than lower ranked digital assets.

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Applicant therefore submits that independent Claim 1, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik, Glance et al. and Ferman et al. As Claim 7 depends from amended independent Claim 1, and inherently contains all the limitations of Claim 1, Claim 7 is seen to be patentable as well.

8. Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik and Weng et al. (U.S. Publication No. 2004/0019849).

Regarding Claim 28, the Office Action concedes that Simchik "does not teach determining whether data downloaded from Web sites corresponding to said URL's were edited or shared by said user".

In regard to Claim 26, as amended, Simchik Glance et al. and/or Weng et al. fail to describe a method for managing a list of URL's that is automatically responsive to a user's Web navigation history, comprising the steps of:

creating a Web navigation history that records any of Web sites visited by said user, URL's activated by said user, URL's shared by said user, and URL's transported by said user;

identifying types of use by said user associated with said navigation history, wherein said types of use comprise any of visitation, activation, sharing, and transporting;

assigning scores corresponding to each identified type of use by said user of said URL's in said Web navigation history based on use of said URL's;

ranking said URLs based on accumulation of said assigned scores; and

hierarchically storing said URL's in a memory based on said scores, wherein URL's having higher scores are more easily accessed from said memory by the same said user than URL's having lower scores.

Applicant therefore submits that independent Claim 26, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik, Glance et al. and Weng et al. (U.S. Publication No. 2004/0019849). As Claim 28

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depends from amended independent Claim 26, and inherently contains all the limitations of Claim 26, Claim 28 is seen to be patentable as well.

**Allowable Subject Matter**

- 5    11. Applicant respectfully acknowledges that the Office Action states that Claims 32-34 are allowed, and that Claims 9, 14, and 21 "would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims".
- 10   Applicant has therefore entered new independent Claims 35, 36 and 37 respectively, to rewrite Claims 9, 14, and 21 in "independent form including all the limitations of the base claim and intervening claims".
- 15   Applicant therefore submits that new independent Claims 35, 36 and 37 are allowable as entered, and are fully supported in the Application as filed, at least by Claims 1, 8, 9, 12, 13, 14, and 21.



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### CONCLUSION

For the foregoing reasons, the claims in the present application are patentably  
5 distinguished over the cited references. Applicant also submits that the  
amendments do not introduce new matter into the Application. Based on the  
foregoing, Applicant considers the invention to be in condition for allowance.  
Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth  
10 in the prior Office Action, such that a Notice of Allowance is forwarded to  
Applicant, and the present application is therefore allowed to issue as a United  
States Patent.

Respectfully Submitted,

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